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COUNSEL

March 7, 2013

**By ECF**

Hon. Joseph F. Bianco  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: Mark Laffey, Philip Laffey, U.S. 1 Laffey Real Estate Corp.  
d/b/a Laffey Fine Homes, Laffey Associates, LLC, eRealty  
Title Agency Corp., TCG Group, Inc., 55 Northern  
Blvd., LLC, US 1 Laffey Real Estate of Brookville, Inc.,  
US 1 Laffey Real Estate of New Hyde Park, Inc. and  
Greenvale Colonial House, LLC,

Plaintiffs,

-against-

Emmett Laffey, Gregory Berkowitz, John Schoonmaker,  
Scott Conlon,

the "Ringleader Defendants"

and

Laffey Fine Homes International LLC,  
US 1 Laffey of Williston Park, Inc.,

the "Enterprise Defendants",

and

Karen Berkowitz Laffey, Dee Dee Brix, Maria Babaev,  
Natalie McCray, Regina Rogers, Joe Pimenta, Jimmy Tubbs,  
Sonny DeClara, Lisa Cerreta, Cara Busto, Irina  
Pashinsky, Dora Zelyakovsky, Peter Morris, Christopher  
Hein, Elaine Lupo, John Doe No. 1, John Doe No. 2,  
and John Doe No. 3,

the "Conspiring Individual Defendants"

and

Quontic Bank, the Roslyn Savings Bank, a Division of  
New York Community Bank, Greater Jericho Corp., Multiple  
Listing Service of Long Island, Inc., Wheretolive.com Inc.,  
Lincoln Land Services, LLC, and Signature Properties of  
Huntington, LLC a/k/a Signature Premier Properties,

the "Conspiring Corporate Defendants"

Civil Action No. CV 13 519

**Our File No. 10,911**

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Dear Judge Bianco:

Our office represents the Defendants, Emmett Laffey, Karen Berkowitz Laffey, Laffey Fine Homes International, LLC and US 1 Laffey of Williston Park, Inc., in connection with the above-captioned action.

We are writing in response to the March 7, 2013 letter we received from Edward K. Blodnick, Esq., of Blodnick Fazio & Associates, P.C., the present attorneys of record for the plaintiffs. Counsel's letter appears to be a pre-emptive objection to any further requests for extensions of time to answer or move with respect to the complaint.

Mr. Blodnick correctly points out that his firm consented to extensions of time to move or answer the complaint to March 20, 2013.

As the Court has been made aware in prior communications, the Honorable Timothy S. Driscoll, New York State Supreme Court Justice, Nassau County, appointed a Temporary Receiver over the following plaintiffs: U.S. 1 Laffey Real Estate Corp. d/b/a Laffey Fine Homes, Laffey Associates, LLC, eRealty Title Agency Corp., and 55 Northern Blvd., LLC. Justice Driscoll's Orders are attached hereto as Exhibits A and B.

We are advised that the Temporary Receiver, James Donald Leonard, has obtained the required bond, and, subject to Justice Driscoll's approval, will retain the law firm of Rosenberg Calica & Birney, LLP. We note that neither our firm, nor Mr. Blodnick's firm has objected to Mr. Leonard's selection of counsel. We also note that a meeting with Mr. Leonard, the parties to the Supreme Court Action in which he was appointed, and their attorneys is scheduled to take place Monday, March 11, 2013.

Based on the foregoing, please consider this letter as our motion to extend, without date, our clients' time to answer or move with respect to the plaintiffs' complaint until the Temporary Receiver appears in this action, and that he and his attorneys have become fully familiar with the facts and posture of this and other related lawsuits.

We note that a similar application was made by Mr. Blodnick on February 27, 2013, hours before the plaintiffs' preliminary-injunction motion was scheduled to be heard. See attachment Exhibit C attached hereto. As the Court's docket will reveal, we duly opposed the preliminary-injunction motion, and were ready and prepared to proceed. The Court adjourned the preliminary-injunction motion without date.

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We seek similar relief. It seems counterproductive to compel the numerous defendants in this case to prepare and serve answers or motions to dismiss before the Temporary Receiver has weighed in, and taken a position with respect to this action.

Moreover, there has been no delay on the part of our clients, and any further extension of time under the circumstances will not "unnecessarily delay this action from proceeding."

We respectfully request that this letter motion be granted.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Spithogiannis", written over a horizontal line.

Michael J. Spithogiannis

MJS:ro

Attachment

10911Bianco.ltr5.wpd

cc: **Via email: ron@rcblaw.com**  
Ronald J. Rosenberg, Esq.  
Rosenberg Calica & Birney LLP